

**REMARKS****A. Response to Election/Restriction Requirement**

The Office Action issued on October 6, 2004 has set forth an election/restriction requirement directed to the following seven groups:

**Group I:** Claims 1-14, drawn to a polypeptide, classified in class 530, subclass 350.

**Group II:** Claims 15-54, 101, drawn to a nucleic acid, plasmid, and host cell, classified in class 435, subclass 69.1.

**Group III:** Claims 55-72, drawn to a transgenic animal, classified in class 800, subclass 13.

**Group IV:** Claims 73-85, drawn to an in vitro cell assay, classified in class 435, subclass 4.

**Group V:** Claims 86-100, drawn to a pH sensitive GFP, classified in class 530, subclass 350+.

**Group VI:** Claims 99-100, drawn to a pH sensitive GFP fusion protein, classified in class 530, subclass 350+.

**Group VII:** Claims 101, drawn to a nucleic acid encoding a pH sensitive GFP, classified in class 536, subclass 23.1.

Applicants elect Group VII for prosecution on the merits, corresponding to claim 101. Applicants further note that claim 101 depends from claims 86-100. As requested by the Examiner in a telephone interview today, Applicants have written out claim 101 as new claims 102-116. Applicants have accordingly cancelled claim 101, as well as claims 1-100 without prejudice. No new matter has been added by these amendments.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 2955-4004US3. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 2955-4004US3. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: November 8, 2004

By: \_\_\_\_\_

  
Joseph D. Eng Jr.  
Registration No. 54,084

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.  
3 World Financial Center  
New York, NY 10281-2101  
(212) 415-8700 Telephone  
(212) 415-8701 Facsimile